

**PATTERSON BELKNAP WEBB & TYLER LLP**

Henry J. Ricardo (admitted *pro hac vice*)

hjr Ricardo@pbwt.com

Jane Metcalf (admitted *pro hac vice*)

jmetcalf@pbwt.com

1133 Avenue of the Americas

New York, New York 10036

Telephone (212) 336-2000

Facsimile (212) 336-2222

**LAFAYETTE & KUMAGAI LLP**

Gary T. Lafayette (SBN 88666)

glafayette@lkclaw.com

Brian H. Chun (SBN 215417)

bchun@lkclaw.com

1300 Clay Street, Ste. 810

Oakland, California 94612

Telephone: (415) 357-4600

Facsimile: (415) 357-4605

*Attorneys for Defendants InComm Financial Services, Inc.  
and Pathward, N.A.*

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

KEVIN SMITH

Plaintiff,

vs.

INCOMM FINANCIAL SERVICES, INC. AND  
PATHWARD, N.A.

Defendants.

Case No. 5:23-CV-4687-BF

**DECLARATION OF HENRY J.  
RICARDO ATTESTING TO  
CONCURRENCE OF SIGNATORIES  
IN FILING OF ADR  
CERTIFICATION**

Judge: Hon. Beth Labson Freeman

1 I, Henry J. Ricardo, hereby declare as follows:

2 1. I am a partner of the law firm Patterson Belknap Webb & Tyler LLP, attorneys for  
3 Defendants InComm Financial Services, Inc. and Pathward, N.A. (“Defendants”). I am a member in  
4 good standing of the bar of the State of New York and have been admitted pro hac vice to the Northern  
5 District of California to appear in this action.

6 2. Pursuant to Local Rule 5-1(i)(3), I submit this declaration to attest that I have obtained  
7 the concurrence of Ryan Lewis, Senior Vice President and General Counsel for Litigation at Defendant  
8 InComm Financial Services, Inc. and Kelly Neubecker, Vice President & Senior Legal Counsel at  
9 Defendant Pathward, N.A for the filing of Defendants’ ADR Certification.

10 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and  
11 correct.

12 Executed on: March 19, 2024

13 New York, New York

14 /s/ Henry J. Ricardo  
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27 DECLARATION OF HENRY J. RICARDO ATTESTING TO CONCURRENCE OF  
28 SIGNATORIES IN FILING OF ADR CERTIFICATION (Case No. 5:23-CV-4687-BF)